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10 Attorneys for DIAMOND FARMING COMPANY,  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding Special Title  
(Rule 1550 (b))

Judicial Council Coordination No. 4408

ANTELOPE VALLEY GROUNDWATER  
CASES

Case No.: 1-05-CV-049053

Included actions:

DIAMOND FARMING'S POSTING RE  
PHASE I DETERMINATION OF  
JURISDICTIONAL BOUNDARIES FOR  
SERVICE OF PROCESS AND JOINDER

Los Angeles County Waterworks District No.  
40 vs. Diamond Farming Company  
Los Angeles Superior Court  
Case No. BC 325201

Los Angeles County Waterworks District No.  
40 vs. Diamond Farming Company  
Kern County Superior Court  
Case No. S-1500-CV 254348 NFT

Diamond Farming Company vs. City of  
Lancaster  
Riverside County Superior Court  
Lead Case No. RIC 344436 [Consolidated  
w/Case Nos. 344668 & 353840]

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1 Inasmuch as it is the intent to determine, through Phase I, the jurisdictional boundaries for this  
2 adjudication, and given the necessity of determining a sufficiently broad boundary area so as to satisfy  
3 the jurisdictional requirements of the McCarran Act (43 U.S.C. § 666), this party, Diamond Farming,  
4 does not affirmatively proffer any proposed jurisdictional boundary line, but would urge the Court to err,  
5 in favor of a broader boundary line so as to ensure ultimately, that we have satisfied the requirements  
6 of the McCarran Act.

7 One of the central parties to this case, the United States of America, has raised issues with  
8 respect to the McCarran Act (43 U.S.C. § 666). Under the McCarran Act, the United States waives its  
9 sovereign immunity in a "general adjudication" of all of the rights of various owners to a given water  
10 resource. *Dugan v. Rank* (1963) 372 U.S. 609, 618. The waiver "is limited to comprehensive  
11 adjudications of all of the water rights of various users of a specific water system." *Gardner v. Stager*  
12 (9<sup>th</sup> Cir. 1996) 103 F.3d 886, 888. In recognition of this statutory requirement, Diamond Farming  
13 anticipates that so long as the McCarran Act is satisfied, then any concerns of Diamond Farming will  
14 also be addressed.

15 Therefore, this party would join in and support that proposed jurisdictional boundary line  
16 proffered by and sought by the Federal Government. Additionally, this party reserves the right to  
17 examine and/or cross-examine any witnesses and/or expert witnesses proffered by any party and  
18 furthermore, reserves the right to offer expert witness testimony through its retained expert, Steve  
19 Bachman, if this party deems that rebuttal expert testimony is necessary.

20 Dated: June 29, 2006

LeBEAU • THELEN, LLP

21  
22 By: 

23 BOB H. JOYCE  
24 Attorneys for DIAMOND FARMING COMPANY,  
25 a California corporation  
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